

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BLAYNE J. COLEY,

Petitioner,

vs.

GRANT COUNTY,

Respondent.

NO. CV-11-086-JLQ

ORDER TO DISMISS ACTION

By Order filed March 16, 2011, the court directed Mr. Coley to show cause why his federal habeas action should not be dismissed for failure to exhaust available state court remedies. Since that time, Petitioner has submitted numerous documents, including a motion for class action certification (ECF No. 7). Such a motion has no application in a federal habeas petition challenging the judgment and sentence of an individual state prisoner.

Petitioner's documents have not been responsive to the Order to Show Cause. Petitioner has failed to demonstrate his state court remedies have been exhausted. Therefore, **IT IS ORDERED** the Petition shall be **DISMISSED without prejudice** for

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ORDER TO DISMISS ACTION -- 1

1 failure to exhaust Petitioner's remedies in state court. *O'Sullivan v. Boerkel*, 526 U.S.  
2 838, 842-43 (1999). All pending Motions are **DENIED as moot**.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment of dismissal of the Petition without prejudice, forward a copy to  
5 Petitioner, and close the file. The court further certifies that pursuant to 28 U.S.C. §  
6 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no  
7 basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App.  
8 P. 22(b).

9 **DATED** this 11<sup>th</sup> day of April 2011.

10 s/ Justin L. Quackenbush  
11 JUSTIN L. QUACKENBUSH  
12 SENIOR UNITED STATES DISTRICT JUDGE  
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